

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston Division

ENTERED

JUN - 5 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

JAMES ALLEN HARPER, a resident and citizen
of Ohio previously doing business as Southern Ohio Disposal;
and SOUTHERN OHIO DISPOSAL LLC,
an Ohio limited liability company,
Plaintiffs,

v.

CASE NO. 2:03-0516
(Magistrate Judge Stanley)

PUBLIC SERVICE COMMISSION OF
WEST VIRGINIA; JON W. McKINNEY, in his
official capacity as Chairman of the Public Service
Commission of West Virginia; EDWARD H. STAATS,
in his official capacity as Commissioner of the Public
Service Commission of West Virginia; and R. MICHAEL SHAW,
in his official capacity as Commissioner
of the Public Service Commission of West Virginia,
Defendants,

and

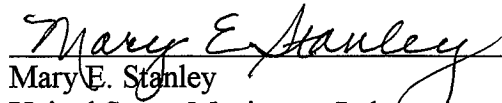
WEST VIRGINIA ASSOCIATION OF SOLID WASTE HAULERS
AND RECYCLERS; BFI WASTE SYSTEMS OF NORTH AMERICA, INC.;
STEWART'S SANITATION; SUNRISE SANITATION
SERVICES, INC.; TYGARTS VALLEY SANITATION,
INC.; and UNITED DISPOSAL, INC.
Intervening Defendants.

ORDER AWARDING FEES AND COSTS

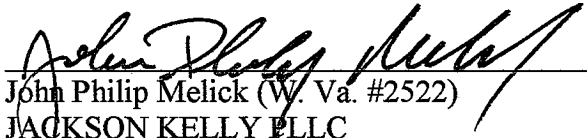
Pending before the Court are plaintiffs' motion to recover certain fees and costs,
and a separate bill of costs. Plaintiffs and the PSC defendants have advised the Court that
they have arrived at an agreed resolution of the motion and bill, pursuant to which
defendant Public Service Commission of West Virginia shall remit to plaintiffs' counsel
the sum of \$158,512.68 made payable to "Jackson Kelly PLLC Trust Account."

The Court has reviewed and finds reasonable the parties' agreement. It is, therefore, ORDERED that defendant Public Service Commission of West Virginia shall remit to plaintiffs' counsel the sum of \$158,512.68 made payable to "Jackson Kelly PLLC Trust Account," in satisfaction of plaintiffs' pending motion and bill.

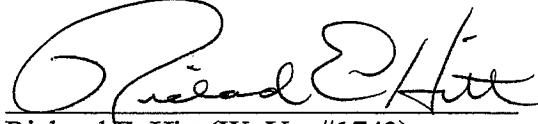
Entered: June 5, 2006.


Mary E. Stanley
United States Magistrate Judge

PREPARED BY:


John Philip Melick (W. Va. #2522)
JACKSON KELLY PLLC
P. O. Box 553
Charleston, WV 25322
Phone: (304) 340-1289
Fax: (304) 340-1080
Counsel to Plaintiffs

AGREED TO BY:


Richard E. Hitt (W. Va. #1743)
Public Service Commission of West Virginia
P. O. Box 812
Charleston, WV 25323
Phone: (304) 340-0317
Fax: (304) 340-0372
Counsel to PSC Defendants